GOVERNMENT BILL

The Private Security Guards and Agencies (Regulation) Bill, 1994 -*Contd.*

SHRI C.P. THIRUNAVUKKARASU.(Pondicherry): Sir, Clause 11(1) of the Bill says that the Controlling Authority may cancel any licence or any one or more of the following grounds, namely, the licence holder has violated the Minimum Wages Act, 1948, the Payment of Bonus Act, 1965, the Payment of Gratuity Act, 1972, the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, the Contract Labour (Regulation and Abolition Act, 1970, the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 and the Industrial Disputes Act, 1947. If there is any violation in respect of any one of these Acts, the licence is liable to be cancelled. But Sir, it is very difficult to get on with the profession if you are asked to adhere to all these Acts. There may be some sort of violation of any of these Acts. If there is any violation, the licence which has been granted is automatically cancelled. Such a provision is not there in any of the Acts. It is not there, either in the Industrial Disputes Act or in the Shops and Establishments Act or in the Motor Vehicles Act. Such a provision has not been incorporated in any of these Acts. After getting the licence, it is very difficult to get the private security guards. I would like to know from the hon. Minister the compelling reasons for including all these Acts in this Bill. I want to know as to why such draconian provisions have been incorporated in this Bill. Sir, my next submission is with respect to suspension. I have looked into several laws, but such a provision has been incorporated only in this Bill. It says,

> "Where the Controlling Authority, for reasons to be recorded in writing, is satisfied that pending the question of cancelling of licence on any of the grounds mentioned in sub-section (1) above, it is necessary to do so, that Controlling Authority may, by order in writing, suspend the operation of the licence for such period not exceeding thirty days as may be specified in the order and require the licence holder to show cause, within fifteen days from the date of issue of such order, as to why the suspension of the licence should not be extended till the determination of the question of cancellation.

One is suspension and another is cancellation. You suspend the licence, conduct an inquiry and then cancel it. That is the normal law.

But, here, you issue a show- cause notice in the middle and say, "Why can't the suspension be continued as it is?" I have not been able to find such a provision in any of the laws.

Sir, again Clause 11(3) of the Bill says, "Every order of suspending or cancelling of a licence shall be in writing and shall specify the reasons for such suspension or cancellation and a copy thereof shall be communicated to the person affected." There is a suspension order and a cancellation order. In both the cases, you are entitled to prefer an appeal; on suspension, you are entitled to prefer an appeal; and on cancellation, you are entitled to prefer an appeal. It causes a lot of delay. So, if there is suspension, subsequent to that, there should be cancellation. On the cancellation alone, there should be an appeal; otherwise, it will be very difficult to get on with these provisions of the law. There is no power of stay that has been granted to the Appellate court. If an order has been suspended or cancelled, the power of stay has not been given in the Bill. In that respect I say that the provision may be amended and this thing incorporated. I am supporting the Bill and I welcome the provisions of the Bill as they are.

लाला लाजपत राय (पंजाब) : चेयरमैन साहब, प्रायवेट सिक्योरिटी एजेंसीज और गार्डस के बारे में जो पहला कानून आया है उस पर मुझे आपकी आज्ञा से कुछ कहना है।

सिक्योरिटी का शब्द जहां पर भी आता है तो आदमी चौकन्ना हो जाता है, भले ही वह देश के बारे में हो, भले ही वह समाज के बारे में हो, किसी इदारे के बारे में हो या राष्ट्र के बारे में हो। अब इसमें प्रायवेट सिक्योरिटी का यह विधेयक आया है। प्रायवेट सिक्योरिटी एजेंसीज के लिए यह मौका क्यों आया? जब देश के अंदर पुलिस का दबदबा कम हुआ, क्राइम बढ़ गए, व्यापार बढ़ गया, इदारे बढ़ गए, इंडस्ट्री ने तरक्की की, बड़े बड़े इंडस्ट्रियल यूनिट्स आ गए और उनकी सुरक्षा में कुछ गड़बड़ होने लगी तो ये प्राइवेट एजेंसीज वजूद में आयीं। अब देखना यह है कि ये जो प्रायवेट सिक्योरिटी एजेंसीज जिस कारण से वजूद में आयीं, वे कारण दूर हुए कि नहीं हुए। जब ये वजूद में आयीं कोई कायदे कानून तो नहीं थे। 1994 में एक बिल ड्राफ्ट किया गया जो 1995 में स्टैंडिंग कमेटी को रेफर हुआ। तो भी आज तक यह कानून कोल्ड स्टोरेज में न जाने क्यों पड़ा रहा जबकि मुल्क के अंदर बेहद, अनगिनत सिक्योरिटी एजेंसीज, छोटी-बड़ी, अच्छी-बुरी वजूद में आ गयीं। अब जो लोग सिक्योरिटी एजेंसीज में भर्ती हुए इनमें कुछ एजेंसीज के पास मिलिट्री के एक्स-सर्विसमेन आए, पुलिस वाले आए, कोई नैवी वाले आए और कुछ जो होम गार्डस थे, ऐसे लोग भी भर्ती हुए। कुछ एजेंसीज जो अच्छे स्टेंडर्ड की नहीं थीं उन्होंने दूसरी तरह के लोग भी भर्ती करने शुरू कर दिए जिसका नतीजा यह हुआ कि वे एजेंसी वाले और कुछ दूसरे लोग उसका नाजायज फायदा उठाने लगे। नाजायज फायदा उठाने लगे तो कहीं तो मकान खाली कराने के लिए उनका इस्तेमाल किया जाता रहा, कहीं जमीन जायदाद पर कब्जा करने के लिए उनको पैसे देकर ले जाते रहे, कहीं एक्सटार्शन के केस होते रहे। तरह तरह के क्रिमिनल आफेंसेज ये जो सिक्योरिटी गार्डस लगे हुए थे ये करने लगे। इस सूरत में मैं तो समझता हूं कि

आज तक इंतजार करना बिल्कुल नामुनासिब था। मैं धन्य कहता हूं अपनी सरकार को जिन्होंने आज यह फैसला किया कि 1994 का बिल आज पेश हो रहा है। मैं इस बिल का पुरजोर समर्थन करता हूं।

SHRI R. MARGABANDU (Tamil Nadu): Sir, at the outset, I welcome this Bill. Hitherto, private persons, companies and other institutions had been claiming themselves as self-styled authorities. They were enlisting the persons for providing security guards to various institutions like banks, hotels, companies, etc. In many cases, Sir, persons like ex-servicemen and others were enlisted and they were grossly underpaid, not even sufficient to make both ends meet. In order to safeguard this thing, this legislation has been brought. It is a welcome step. At the same time, for enlisting oneself as a private security guard, the requirement is that the private security guard is charged not less than Rs.25 to not more than Rs.50. So, it is required under Section 7, that any person who wants to enlist himself, will have to pay a licence fee of Rs. 25. I think, this has to be dispensed with because once a private security agency is recognised, on payment of fees, it should be entitled to enlist any person, without recovering any licence fees from those people.

[THE DEPUTY CHAIRMAN in the Chair]

The second provision is that it should be renewed once in five years. That clause has also to be removed. As has been stated by Mr. Thirunavukkarasu, provisions of several other Acts have also to be followed. It will also be somewhat difficult for these agencies to comply with all the requirements of these Acts in the case of service conditions, salary and other things. This clause can also be reconsidered. Though I welcome this Bill, I request that some rational thinking should be done by the Central Government for making this Bill applicable. With these words, I welcome this Bill.

SHRI SWARAJ KAUSHAL (Haryana): Madam, it is a good Bill; it is a good legislation. I have never seen a good law being drafted so badly. I have seen the Statement of Objects and Reasons. I restrain myself; yet the manner in which you describe the Statement of Objects and Reasons of this Bill can only be called abusive. The Statement of Objects and Reasons reads: ".. there has also been growing concern about the manner of functioning of these agencies, many of which conduct their operations without consideration for law or scruples." Such a statement cannot be made in the Statement of Objects and Reasons unless you have come to a

conclusion or you have reasonable basis to come to a conclusion that they are a bunch of criminals. I think hundreds and thousands of people employed in this profession and trade do not deserve this certificate from the Government or the Parliament. I believe not much mind has been applied while drafting the Statement of Objects and Reasons. Then the Statement reads: "These private senas are known to take law unto themselves." How do you come to this conclusion? Before you believe that these hundreds and thousands of people who are employed in this work are nothing but a gang of criminals, I believe what you should have done is that there is a need to regulate and optimise this huge resource in the aid of law, in the aid of police in suppressing terrorism, in dealing with crime and with a view to obtaining information. What possible cooperation can you have from a trade or profession where you believe that you are bringing a law in respect of people who have no scruples, who violate the law and who are a group of criminals? I do not think they deserve this certificate from the Government, Mr. Minister, and especially when this country is facing a huge problem of terrorism and militancy. I believe that this huge resource of hundreds and thousands of people should have been utilised in the assistance of the State in curbing this menace.

I now come to the provisions of the Bill. I think there is a very, very good provision in clause 6 which says that every private security agency shall, within thirty days from the date of obtaining the licence, employ such people who have served for a minimum period of five years in the following, that is, Army, Navy, Air Force and so on. This will lead to better administration of the security agencies. So, this is a very happy provision in the legislation, but I will come to that part where I believe, the legislation is grossly deficient. I believe, there should have been a clause mentioning the duties of the security agencies; and one of the duties assigned to the security agencies and the members of the agencies could be to assist the police and a mechanism could be devised for better coordination and cooperation. Better coordination and cooperation between the security agencies and the police should be there. You could include a provision in clause 11 where you have mentioned the ground for cancellation and suspension of the licence. This could be a failure to report the commission of a crime. I know it is already there in the Code of Criminal procedure. But this could be an additional responsibility on the security agency and the members of the security agency to report crime and you could also provide for a mechanism where there could be regular meetings between the Station House Officer and the security agencies and

the supervisors. Another clause of the Bill, i.e. 11 (k), is very harsh. I can appreciate the concern of the Government about the implementation of these laws, that is, the Payment of Gratuity Act the Payment of Bonus Act and so on. If you don't comply with the provisions of these laws, there are penalties provided in the special legislations themselves. I do not think such a harsh legislation was required in respect of these, providing that the moment there is a violation, the licence can be suspended. In addition to it, because of the nature and duties of the security agencies, it was required that in order to ensure greater discipline, unions should have been banned in respect of such services. There should have been a provision banning the creation of unions or establishment of unions by persons employed in these security agencies. So, I will request the Government to have a better and positive approach and bring forward a modified legislation. It should be so modified that the purpose should be to utilise this huge resource, optimise the utilisation of this resource and sustain all the law enforcing agencies of the country. Thank you.

THE DEPUTY CHAIRMAN: Actually, the Bill is very old. Almost every political party had participated in it. But I have the name of Shri Moolchand Meena. Please be brief.

श्री मूल चन्द मीणा (राजस्थान) : उपसभापति महोदया, यह प्राइवेट गार्ड्स एंड एजेंसीज रेगुलेशन बिल, 1994 करीब 6 साल बाद मंत्री जी द्वारा हाउस के सामने लाया गया है। अगर सरकार अच्छी मंशा से यह बिल लाई हो तो यह देश के लिए बहुत आवश्यक बिल है क्योंकि आज देश के अंदर सेक्युरिटी एजेंसीज चलाने वाले कई संगठन हैं जिन्होंने सेक्युरिटी गार्ड्स तो उपलब्ध कराए हैं, लेकिन उनकी कार्य-प्रणाली कुछ दूसरी तरह की है जिसमें कि लोगों के ऊपर जबर्दस्ती दादागिरी करना, जबर्दस्ती लोगों से मकान खाली कराना या जबर्दस्ती मकानों पर कब्जा करना शामिल हैं। महोदया, ऐसे संगठन या एजेंसीज प्राइवेट लोगों को सेक्युरिटी देने के लिए बनाए गए थे, लेकिन आजकल कई प्रकार के ऐसे संगठन बने हुए हैं जो एक-दूसरे पर अत्याचार का काम करते हैं, कई इस तरह के संगठन हैं जोकि धार्मिक दुर्भावना फैलाकर लोगों मे द्वेष पैदा करते हैं। इस कारण हर आदमी कोशिश करता है कि मेरी सुरक्षा हो, मेरी जान की सुरक्षा हो, जान-माल की सुरक्षा हो। वह चाहता है कि उसके लिए सुरक्षा की व्यवस्था होनी चाहिए, लेकिन उस सुरक्षा की व्यवस्था की आड़ में कुछ ऐसे गलत काम होते रहे हैं जिनको रोकने के लिए सरकार यह बिल लाई है। यह एक अच्छी बात है और इससे कुछ गलत काम तो रुकेंगे।

उपसभापति महोदया, बिल के अंदर क्लाज़ 4 में कहा गया है कि कोई निजी सुरक्षा रक्षक स्वयं नहीं रख सकेगा, उसको रजिस्ट्रेशन कराना पड़ेगा, सरकारी अधिकारी से उसको इजाजत लेनी पड़ेगी। महोदया, यदि कोई आदमी निजी सुरक्षक रखता है तो वह उसे खुद के पैसे पर रखता है इसलिए उस पर इस प्रकार की रोक नहीं होनी चाहिए क्योंकि निजी सुरक्षक वह उसे ही रखेगा जिसके पास लाइसैंस होगा। इसलिए लाइसैंसधारी को जब कोई आदमी निजी सुरक्षक के रूप में रखता है तो उसको इस क्लाज़ से छूट दी जानी चाहिए और उसे यह भी छूट

दी जानी चाहिए कि निजी सुरक्षक के रूप में वह अपने मन-पसंद के आदमी को रख सके, लेकिन उसके पास इस तरह का लाइसैंस होना चाहिए कि वह व्यक्ति को सुरक्षा दे सकता है। इसी तरह से पात्रता के लिए इसमें जो योग्यताएं बताई गई हैं - वह भारत का नागरिक हो, 18 वर्ष की आयु पूरी कर चुका हो, सिद्धदोषी नहीं हो और दो वर्ष या उससे अधिक के लिए कारावास से दंडादिष्ट नहीं किया गया हो, होम गार्डों को दिए जाने वाले प्रकार के प्रशिक्षण की कम से कम एक मास की कालावधि पूरी कर चुका हो और ऐसे शारीरिक माप, जो विहित किए जाएं, पूरे करता हो - जब इसका प्रमाण-पत्र आप उसे दे रहे हैं तो उसको रखने के लिए रजिस्ट्रेशन कराने संबंधी जो क्लाज़ है, यह क्लाज़ नहीं रखी जानी चाहिए। इस क्लाज़ को इसमें से हटा दिया जाए तो अच्छा होगा।

उपसभापति महोदया, इसके साथ ही मैं कहना चाहूंगा कि इस बिल के पैरा 6 में यह कहा गया है कि 'सेना आदि का अनुभव रखने वाले व्यक्तियों को निजी सुरक्षा अभिकरण द्वारा नियोजित किया जाए', यह अच्छी बात है। जिसने सेना के अंदर पांच वर्ष तक काम किया हो, जो सेना में रहा हो, ऐसे लोगों को यदि सुरक्षा के लिए लगाया जाए, उनको प्रमाण-पत्र दिया जाए तो अच्छी बात है, लेकिन इसके साथ ही साथ इसमें एक यह क्लाज़ जोड़ी जानी चाहिए कि सेना में जिसने काम किया है, चाहे वह नौ सेना का आदमी हो, चाहे वह वायु सेना का हो, किसी अन्य सशस्त्र बल का हो, पुलिस का हो, होम गार्ड का हो, लेकिन उस आदमी ने कोई क्रिमिनल कार्य न किया हो। यदि उस आदमी ने किसी प्रकार का क्रिमिनल कार्य किया हो और क्रिमिनल कार्य करने के बाद यदि वह निजी सुरक्षा में जाना चाहता है तो ऐसे आदमी पर प्रतिबंध लगाना चाहिए। इसलिए इसमें यह क्लाज़ और जोड़ दी जाए कि 'सेना में रहे व्यक्ति को, भले ही उसे अनुभव है, लेकिन यदि उसने कोई क्रिमिनल कार्य किया है तो उसको निजी सुरक्षा में नहीं रखा जा सकता।

महोदया, इसके साथ ही मैं यह भी कहना चाहूंगा कि आज इस देश के अंदर निजी सुरक्षा की बहुत आवश्यकता है और इसके कई कारण हैं। सन् 1980 से पहले इस प्रकार की सुरक्षा की आवश्यकता कम पड़ती थी लेकिन आज तो हर आदमी को यह खतरा रहता है कि पता नहीं कहां मेरी मौत हो जाएगी, कौन मुझे शूट कर देगा। यदि हम बिहार और यू0पी0 की बात करें, बिहार में तो आज कई प्रकार की सेनाएं बन गई हैं और वहां लोग जाना नहीं चाहते हैं, बल्कि बिहार, पटना, ऐसी जगहों से शांतिप्रिय व्यक्ति दूसरी जगहों पर निवास करने पहुंच गए हैं। ...(व्यवधान)...

श्री टी.एन. चतुर्वेदी (उत्तर प्रदेश): श्री विजय सिंह यादव जी, आप बिहार से बैठे हैं, मीणा जी कैसी बात कह रहे हैं कि लोग वहां जाना नहीं चाहते हैं। मैं भी बिहार जाने वाला हूं, मैं भी टिकट कैंसिल करा दूं क्या?

श्री मूल चन्द मीणा : चतुर्वेदी जी, मुझे कई लोग ऐसे मिले हैं जो यह कहते हैं कि साहब, दूसरी जगह पर हम सुरक्षित तो रहेंगे, जीवित तो बचेंगे, इसलिए कई लोग वहां से छोड़-छोड़ कर आ गए हैं। मैं कोई गलत नहीं कह रहा हूं, लोगों का जो दृष्टिकोण है मैं वही बता रहा हूं।

इसलिए निजी सुरक्षा का जो यह कानून लाया गया है, यह बहुत अच्छा है और इस बिल को हमें पास करना चाहिए। धन्यवाद।

THE DEPUTY CHAIRMAN: We have to finish the Bill. If anybody wants to speak on any issue, he should send his or her name in time. This is not the proper procedure of the House that when the discussion is going to end, when the Minister is going to reply to the debate, and when we are going to adjourn the House, you keep sending names. You knew that the Bill was going to be discussed. Your party should have sent your name in time. There is a certain procedure and we work in a certain framework of time. Please, I cannot permit. The Minster will reply.

SHRI S. RAMACHANDRAN PILLAI (Kerala): As you have said correctly, we discussed this Bill in August, 1997. We raised certain points. Now, the Government have moved certain amendments. Some of the issues are taken care of by the amendments. But one of the most important issues we raised at that point of time has not been covered by the present amendments. I would like to ask that question to the Minister. The issue we raised at that time was: Whether this bill restricts a person's right to engage a private security guard in his house or in his office or to travel along with him. The point raised at that point of time was that this Bill is restricting the individual's right to engage a person as security guard in his office or in his house or for his personal security.

THE DEPUTY CHAIRMAN: Did you give your name? I am only objecting to..*(Interruptions)*,..

SHRI S. RAMACHANDRAN PILLAI: No, Madam. I am just asking this, through you..*(Interruptions)*,..

THE DEPUTY CHAIRMAN: No, but it is a matter of procedure. I know you are the leader of your party. I agree with you. Shall we not go by the procedure? If you want to speak, I have no objection because every legislation should be thoroughly discussed in this House of Parliament. It is my contention. But there should be a procedure. The Bill was listed to be discussed today. The Bill had been circulated. I would have been extremely happy if every political party, who have some views on the Bill, had given the names in the proper form. I have noticed it that the Members get an idea at the last moment that since others are speaking, they should also speak. It should not be like this. It should be a decision to speak only if you have read the Bill. Then your contribution will really help the Government in bringing a good legislation. You can speak. I have no objection. I am only trying to regularise the process.

SHRI S. RAMACHANDRAN PILLAI: Madam, 'private security' has been defined under clause 2(e) of the Bill. According to it 'private security' means private security of a person or his property, or both.

SHRI N.K.P. SALVE (Maharashtra) : Madam, even a *chowkidar* can be appointed.

SHRI S. RAMACHANDRAN PILLAI: 'Private security guard' has been defined under clause 2(g). According to it 'private security guard' means a person providing private security to another person. Then, Madam, please see clause 4(a). It says, "No person shall continue to engage or engage himself as private security guard:" We don't have any dispute about agencies. Our main dispute is with regard to this particular provision. You have put certain conditions in this Bill. If you want to appoint a private security guard in your house or office or carry a private security in your car, as per sub-clause (4) of clause 4, you will have to give him three months' training. Then, you will also have to obtain a licence from the District Superintendent of Police. So, this is too restrictive. You cannot appoint a *chowkidar*. You cannot engage a watchman for your house or for your office.

SHRI T.N. CHATURVEDI: You will have to engage a personal employee.

SHRI S. RAMACHANDRAN PILLAI: No, no; not at all. You look at the scheme of the Bill. We have no dispute at all with regard to the security guards, engaged by security agencies. It should, of course, be controlled and regulated. But you are attacking an individual's rights with regard to appointing a private person as a security guard, as a watchman. So, this is the issue that we raised at that point of time. This was not explained and no amendment was proposed *(Interruptions)...*

SHRI N.K.P. SALVE: Madam, the ramifications of certain provisions of the Bill are very serious. Private security guard is a person who provides security to another person - either for property or for person. Now, Madam, if I wish to appoint a *chowkidar* to look after my property, he must comply with the conditions mentioned in clause 6. He should have worked for five years in Army or Navy or Air Force or any other force, like police or homeguard. I am afraid, we cannot accept this Bill unless appropriate amendment is made. So, this right of appointing a security guard should not be tampered with.

1.00 P.M.

श्री नागेन्द्र नाथ ओझा (बिहार) : मैडम्, मैं इस बिल का समर्थन तो करता हूं। लेकिन जहां लाइसेंस को रद्द करने संबंधी शर्तें गिनाई गई हैं जैसे मिनिमम वेजिज ऐक्ट का वॉयलेशन होने पर और दूसरे जो ऐक्ट हैं यह स्पष्ट नहीं है कि इसको किस प्रकार से देखा जाएगा, इसका प्रोविजन इस ऐक्ट में मेंशन नहीं है कि इसका इंफार्मेशन ऑथोरिटी के पास कैसे जाएगा? इसकी चर्चा मैं इसलिए कर रहा हूं कि जो यह प्राईवेट सिक्योरिटी गार्ड्स हैं इविन दिल्ली के अंदर, उनसे दिन-प्रतिदिन कम्पलेंट आती है कि उनसे काम नहीं लिया जा रहा है, 240 दिनों से पहले हटा दिया जाता है, 240 दिन पूरे नहीं होने देते, उनको ड्यूटी नहीं दी जा रही है और उनसे यहां तक कि 700, 800 और 1000 रुपया प्रति माह वेतन पर काम लिया जा रहा है और इस तरह से खुद दिल्ली के अंदर उनकी काफी टॉरचरस लाईफ बन गई है। तो हम समझते हैं कि जब इसको रेग्यूलेट किया जा रहा है तो दूसरे जितने कारण गिनाए गए हैं उनमें प्रमुख कारण के रूप में यह लिया जाना चाहिए। इसमें एक स्पष्ट प्रावधान जोड़ा जाना चाहिए कि मिनिमम वेजिज ऐक्ट या दूसरे जो ऐक्ट हैं लेबर लॉ से संबंधित हैं, उनके वॉयलेशन होने पर इस ऐक्ट की देखरेख और उस ऐक्ट का लाभ उसको मिले। इसका प्रोविजन कैसे किया जाए, मुझे यही कहना है।

उपसभापति :We have to adjourn for lunch. उससे पहले मैं मंत्री जी को बोलूं कि इसमें दो-तीन बातें जो कही हैं वह काफी सीरियस हैं और गंभीर बात है कि कोई आदमी अपना नौकर नहीं रख सकता, गोरखा वगैरह जो घरों पर रखते थे, किसी को गार्ड के रूप में काम करने के लिए नहीं रख सकते। यदि कोई वेपन नही दे रहा है खाली निहत्था आदमी घर की हिफाजत कर रहा है तो उसको भी नहीं रख सकते। इसको आप जरा लंच ऑवर में पढ़ लीजिए और जवाब दीजिएगा।

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION TECHNOLOGY (SHRI PRAMOD MAHAJAN): Some objections have been raised and, fortunately, we have got the lunch-break. So, the Government will think seriously about it because we want to go by consensus. There is no question of any ego that we will pass it in its present form. ...*(Interruptions)*...

SHRI N.K.P. SALVE: We have never said that.

SHRI PRAMOD MAHAJAN: No, but from our side also, we will think over it during the lunch break and if we can come out with a satisfactory answer before the House, we can do it immediately, or, we can defer the reply and go for the next Bill. We will come back at 2 o'clock.

***श्री मोहम्मद आज़म खान** (उत्तर प्रदेश): मैडम्, मेरा इसमें एक सुझाव है कि मिनिमम वेजिज ऐक्ट का भी वॉयलेशन होता है और दिनों का होता है, क्योंकि वह इतने दिनों में कंफर्म हो

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*Transliteration of the speech in Persian script is available in the Hindi version of the Debate.

जाते है। उसका एक तरीका यह हो सकता है, जाहिर है रखने वाला मिनिमम वेजिज न दे और यह साबित न करे कि इसको हमने कब से मुलाजिम रखा है, उसको अपनी मरजी से हटा सके। इसके लिए एक तरीका यह हो सकता है कि जिस शख्स ने नौकरी हासिल की है डिप्टी लेबर कमीशनर के आफिस में वह यह इत्तला करदे कि आज इतनी तनख्वाह पर इस तारीख से मैंने फलां जगह काम करना शुरू कर दिया है। इसका सीक्रेट परीक्षण हो, यह न हो कि जाकर मालिक को बतला दिया जाए कि ऐसी कोई दरख्वास्त आई है। अगर उसका कंफर्मेशन हो जाए कि - हां, यह शख्स इतने वेजिज पर इतनी तारीख से मुलाज़मियत पर रख लिया गया है तो फिर शायद इसकी किसी हद तक रोक हो सकती है, वरना ओझा जी का कहना सही है कि न उसके मनिमम वेजिज को चैक किया जा सकता है और न ही किसी शख्स को नौकरी पर रखने की तारीख की कोई तसदीक हो सकती है। हमारे पास क्योंकि बाकायदा एक सिस्टम है लेबर कमिश्नर का आफिस होता है और हर जिले में डिप्टी लेबर कमिश्नर बैठता है, इंस्पेक्टर होता है, पूरा सिस्टम है। लेकिन यह भी बड़ी बदनसीबी है कि इन लोगों का रिश्ता जो कि मजदूरों के मंगल के लिए बनाया गया है, मजदूरों से न होकर इनका रिश्ता मालिकान से होता है। तो यह एक बीच का रास्ता हो सकता है जिससे हम चैक कर सकते हैं। तो यह मेरा एक सुझाव था। एक तजुर्बे की बुनियाद पर है यह। अगर ऐसा हो जाए तो फिर यह शिकायत बिल्कुल खत्म हो जाएगी कि कब कौन रखा गया है और उसको कितना पैसा दिया जा रहा है।

उपसभापति : पार्लियामेंट्री एफेयर्स मिनिस्टर ने यह आश्वासन दिया है कि लंच ऑवर में वह इसको स्टडी करेंगे। मुझे जो एक पोइंट लगता है कि हमारे यहां इतना अन-एम्प्लोयमेंट हो रहा है और इस बिल के अन्तर्गत तो आप खाली रिटायर्ड लोगों के लिए रिकमंडेशन कर रहे हैं तो इससे अन्य बच्चों को तो नौकरी मिल ही नहीं सकती। आप बच्चों को कैसे आगे करेंगे? I have not read the Bill. I am only pointing it out.

गृह मंत्रालय में राज्य मंत्री (श्री आई. डी. स्वामी): मैडम, उसके लिए तो वह सिर्फ तीन महीने की होम गार्ड की ट्रेनिंग ले ले, उसके बाद भी एम्पलाई हो सकता है। It is not necessary that he should come from the Air Force, Navy or Police. It is not necessary. Young persons, after having the training, can also be employed as private security guards by an agency or directly.

THE DEPUTY CHAIRMAN: Okay. Now the House is to adjourn for lunch. उसके बाद या तो इस बिल की रिप्लाई लेंगे or we will take up another issue. The House is adjourned for lunch for one hour.

The House then adjourned for lunch at six minutes past one of the clock

The House reassembled after lunch at seven minutes past two of the clock,

[THE DEPUTY CHAIRMAN in the Chair]

THE DEPUTY CHAIRMAN : We now continue with the discussion on the Private Security Guards and Agencies (Regulation) Bill, 1994.

SHRI N.K.P. SALVE : Madam, minor changes will take care of all the problems.

SHRI PRANAB MUKHERJEE (West Bengal): Madam, he is referring to the Private Security Guards and Agencies (Regulation) Bill, 1994.

THE DEPUTY CHAIRMAN: The hon. Minister came to my Chamber and said that he would defer it.

SHRI N.K.P. SALVE : Madam, my amendment to Clause 4 is that instead of the words "no person shall", the words, "no licensee shall" be used.

SHRI SANGH PRIYA GAUTAM (Uttar Pradesh) : Madam, hon. Members can give their suggestions in writing also. Whatever amendments they want, they can send them in writing so that the Minister may consider them.

SHRI I.D. SWAMI : Madam, though you, I am making a request to the House. Very many suggestions have been made this morning by hon. Members and most of them are very valid suggestions. We are considering them.We will certainly like to move amendments so that we really get a good law. We do not want to make a law in a hurry. Of course, nobody can anticipate all the eventualities, but all the amendments which have now been proposed; we are certainly considering them. So, Madam, I make a request to the House, through you, and to you also that we may defer this Bill. However, in a day or two, we will move the amendments in view of the suggestions after careful consideration.

SHRI N.K.P. SALVE : Madam, the Minister is making a statement about the deferment of the Bill. That is all right. But I would to make one thing clear that we are not opposed to the Bill as such, excepting that the Bill must not have such serious implications or ramifications that individuals are prohibited from appointing even a *chowkidar*. Imagine the implication, Madam, in a village if a person appoints a *chowkidar*, the fellow who appoints gets into the mischief of this law. So, I mean, it can't be that way.

THE DEPUTY CHAIRMAN : That is what the Minister had told me. I also gave some suggestions from the Chair. He said that he is going to consider them. So, I think, the House agrees that the Bill should be deferred until the Minister brings this Bill again, incorporating the suggestions. If any Member has any more suggestions to make, he can do

so. Shri Swaraj Kaushal has given the suggestions in great detail. If any Member has any more suggestions to make, he may give it in writing so that the Minister can consider all those suggestions, and make the necessary amendments.

THE IRON AND STEEL COMPANIES (AMALGAMATION AND TAKEOVER LAWS) REPEAL BILL, 2000

THE DEPUTY CHAIRMAN: Now, we will take up the Iron and Steel Companies (Amalgamation and Takeover Laws) Repeal Bill.

SHRI JIBON ROY (West Bengal): Madam, before we take up the Bill, I have a small submission to make.

THE DEPUTY CHAIRMAN: Are you objecting to the repeal?

SHRI JIBON ROY: No. I will come to my objection later.

THE DEPUTY CHAIRMAN: Just a minute. I cannot allow you now. It is a matter of procedure. I feel that we should go to the Bill.

SHRI JIBON ROY: The matter is *sub judice.*

THE DEPUTY CHAIRMAN: Which matter?

SHRI JIBON ROY: The matter of iron and steel companies. That is why I wanted to draw your attention before we take it up.

THE DEPUTY CHAIRMAN: That is exactly what I am asking of you. Under which rule or under which provision are you speaking? Are you saying that this Bill should not be repealed? Then, I will consider it that way. Are you going to talk on the subject matter of the Bill? Then, you are pre-empting your speech. The Minister has to move the Bill. Your name is on the list. If you like, you can make your suggestions at that point of time.

SHRI JIBON ROY: The point is that the subject matter of the Bill is *sub judice.* If your ruling is to discuss it, we can discuss it.

THE DEPUTY CHAIRMAN: No, no, this is not a ruling. I am mentioning only the procedure because the Secretariat writes it down. We have to know what you spoke, what for you spoke and how and under